

EXHIBIT “O”

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

----- X
ANAND DASRATH,

Index No. 15989/06

Plaintiff,

**ORDER WITH
NOTICE OF ENTRY**

- against -

ROSS UNIVERSITY SCHOOL OF MEDICINE,

Defendant.
----- X

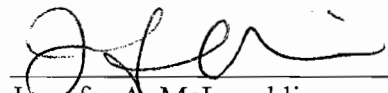
S I R S :

PLEASE TAKE NOTICE, that the within is a true copy of an Order duly entered in the
Office of the Clerk of the County of Queens, on February 5, 2007.

Dated: Garden City, New York
February 9, 2007

CULLEN AND DYKMAN LLP

By:



Jennifer A. McLaughlin
Attorneys for Defendant
100 Quentin Roosevelt Boulevard
Garden City, New York 11530
(516) 357-3700

To:

Stephen Kutner, Esq.
Kutner & Gurlides, Esqs.
Attorneys for Plaintiff
300 Old Country Road, Suite 311
Mineola, New York 11501

Short Form Order

NEW YORK SUPREME COURT - QUEENS COUNTY

ORIGINAL

PRESENT: ROGER N. ROSENGARTEN,
JUSTICE.

PART IAS 23

-----X
ANAND DASRATH,

Index No. 15989/06

Plaintiff,

Motion Date: 11/22/06

-against-

Calendar No. 8

ROSS UNIVERSITY SCHOOL OF MEDICINE,

Defendant.

-----X
The following papers numbered 1 to 7 read on this motion to dismiss.

Defendant's Notice of Motion to Dismiss - Affidavit of Nancy A. Perri -
Exhibits - Defendant's Memorandum of Law.....1 - 4
Affidavit in Opposition.....5
Reply Affidavit of Enrique Fernandez in Support of Defendant's Motion to
Dismiss - Exhibits.....6 - 7

Defendant's motion to dismiss the action is granted due to plaintiff's failed to properly serve and file the summons and complaint in this action. The court thus does not have jurisdiction over defendant. Plaintiff avers that he is sure his former attorney has properly served defendant but plaintiff has failed to acquire any affidavit of service and asks the court to find it in its stead. Plaintiff has failed to take any other step to correct this procedural, yet, very significant defect. Accordingly, it is hereby

ORDERED, that the motion is granted and the complaint of said plaintiff, ANAND DASRATH, is dismissed as against said defendant ROSS UNIVERSITY SCHOOL OF MEDICINE; and it is further

ORDERED, that the Clerk of the Court is authorized to enter judgment in accordance with the above.

Dated

1/31/07
2007 FEB - 5 P 1:24
FILED
QUEENS COUNTY CLERK

ENTER,

ROGER N. ROSENGARTEN, J.S.C.